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# OUR NEW DUTIES



A COMMENCEMENT ADDRESS AT THE  
SEVENTY-FIFTH ANNIVERSARY OF MIAMI UNIVERSITY  
THURSDAY, JUNE 15, 1899



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BY  
WHITELAW REID



NEW YORK  
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1899



MIAMI UNIVERSITY.

Hon. JOHN W. HERKON, LL. D., Cincinnati, Ohio,  
*President of the Board of Trustees.*

Miss ANNA J. BISHOP, Oxford, Ohio,  
*Secretary of the Board of Trustees*

Rev. W. O. THOMPSON, D. D.,  
*President of the University.*

OXFORD, OHIO, June 27, 1896.

Hon. WHITELAW REID, LL. D.,  
New York.

*Dear Sir:*

At the request of Dr. Thompson, the President (who is writing you on the subject), I enclose you a copy of a resolution adopted by the Board of Trustees of Miami University, at a meeting held June 17, 1896.

Hoping it may be possible for you to be present, as requested, at our Seventy-fifth Anniversary, I am

Very truly yours,

ANNA J. BISHOP,  
*Secretary of the Board.*

*Excerpt from Minutes of Meeting of Board of Trustees of Miami University,  
held June 17, 1896.*

Mr. Hunt offered the following resolution, which was adopted:

"Whereas the Seventy-fifth Anniversary of the founding of Miami University will mark an important event in the history of the educational work—not only in the Miami Valley, but in the Western Country: and

"Whereas, this Board contemplates the commemoration of that occasion by appropriate exercises in every way worthy of the fame of the institution:

"Therefore, Be it Resolved: That the Board of Trustees of Miami University, in recognition of the importance of that anniversary and the fitting ability of the Honorable Whitelaw Reid, of the class of 1856, and the interest which he has always manifested in his Alma Mater, does hereby tender to him, in behalf of all the friends of Miami University, a cordial invitation to be present and participate in the exercises by delivering the address at that time."

OUTIR FARM,  
PURCHASE, N. Y.,

July 10, 1896.

Miss ANNA J. BISHOP,  
*Secretary Board of Trustees,*  
MIAMI UNIVERSITY, Oxford, O.

*Dear Madam:*

I beg to acknowledge your courteous transmission of a resolution by the Board of Trustees of Miami University, inviting me to deliver an address on its Seventy-fifth Anniversary.

I am very sensible of the great honor done me by the Trustees of my Alma Mater in this invitation. The time is still remote, and one cannot always be sure of his ability to fill engagements made so far in advance; but it would give me the greatest pleasure to undertake the work, and I shall endeavor so to shape my affairs as to prevent anything from interfering with it.

With renewed thanks, I am, dear madam,

Very truly yours,  
WHELAW REID.



## ADDRESS

### *Sons and Friends of Miami :*

I join you in saluting this venerable mother at a notable way-mark in her great life. One hundred and seven years ago the Congress voted and George Washington approved a foundation for this university. Seventy-five years ago it opened its doors. Now si monumentum quæris, circumspice. There is the catalogue. There are the long lists of men who so served the State or the Church that their lives are your glory, their names your inspiration. There are the longer lists of others to whom kinder fortune did not set duties in the eye of the world. But Miami made of them citizens who leavened the lump of that growing West, which was then a sprawling, irregular line of pioneer settlements and is now an empire. Search through it, above and below the Ohio, and beyond the Mississippi. So often — where there are centres of good work, or right thinking and right living — so often and so widely spread will you find traces of Miami, left by her own sons or coming from those secondary centres that grew out of her example and influence, that you are led in grateful surprise to exclaim: If this be the work of a little college, God bless and prolong the little college! If, half-starved and generally neglected, she has thus nourished good learning and its proper result in good lives through the three-quarters of a century ended to-day, may the days of her years be as the sands of the sea; may the Twentieth Century only introduce the glorious prime of a career of which the Nineteenth saw but modest beginnings, and may good old Miami still flourish in sæcula sæculorum!

But the celebration of her past and the aspirations for her future belong to worthier sons — here among these gentlemen of the Board who have cared for her in her need. I make them my profound acknowledgments for the honor they have done me in assigning me a share in the work of this day of days; and shall best deserve their trust by going with absolute candor straight to my theme.

New Duties ;  
a New World

I shall speak of the new duties that are upon us and the new world that is opening to us with the new century— of the spirit in which we should advance and the results we have the right to ask. I shall speak of public matters which it is the duty of educated men to consider; and of matters which may hereafter divide parties, but on which we must refuse now to recognize party distinctions. Partisanship stops at the guard line. “In the face of an enemy we are all Frenchmen,” said an eloquent imperialist once in my hearing, in rallying his followers to support a foreign measure of the French Republic. At this moment our soldiers are facing a barbarous or semi-civilized foe, which treacherously attacked them in a distant land, where our flag had been sent, in friendship with them, for the defence of our own shores. Was it creditable or seemly that it was lately left to a Bonaparte on our own soil to teach some American leaders that, at such a time, loyal men at home do not discourage those soldiers or weaken the Government that directs them?\*

Neither shall I discuss, here and now, the wisdom of all the steps that have led to the present situation. For good or ill the war was fought. Its results are upon us. With the ratification of the Peace of Paris, our Continental Republic has stretched its wings over the West Indies and the East. It is a fact and not a theory that confronts us. We are actually and now responsible, not merely to the inhabitants and to our own people, but in international law, to the commerce, the travel, the civilization of the world, for the preservation of order and the protection of life and property, in Cuba, in Porto Rico, in Guam and in the Philippine Archipelago, including that recent haunt of piracy, the Sulus. Shall we quit ourselves like men in the

\* My Dear Sir—I have received your letter of the 23d inst. notifying to me my election as a Vice-President of the Anti-Imperialist League. I recognize the compliment implied in this election, and appreciate it the more by reason of my respect for the gentlemen identified with the league, but I do not think I can appropriately or consistently accept the position, especially since I learn through the press that the league adopted at its recent meeting certain resolutions to which I cannot assent. . . . I may add that, while I fully recognize the injustice and even absurdity of those charges of “disloyalty” which have been of late freely made against some members of the league, and also that many honorable and patriotic men do not feel as I do on this subject, I am personally unwilling to take part in an agitation which may have some tendency to cause a public enemy to persist in armed resistance, or may be, at least, plausibly represented as having this tendency. There can be no doubt that, as a matter of fact, the country is at war with Aguinaldo and his followers. I profoundly regret this fact. . . . But it is a fact, nevertheless, and, as such, must weigh in determining my conduct as a citizen. . . .

CHARLES JEROME BONAPARTE.

Baltimore, May 25, 1899.



discharge of this immediate duty; or shall we fall to quarrelling with each other like boys as to whether such a duty is a good or a bad thing for the country, and as to who got it fastened upon us? There may have been a time for disputes about the wisdom of resisting the stamp tax, but it was not just after Bunker Hill. There may have been a time for hot debate about some mistakes in the Anti-Slavery contest, but not just after Sumter and Bull Run. Furthermore, it is as well to remember that you can never grind with the water that has passed the mill. Nothing in human power can ever restore the United States to the position it occupied the day before Congress plunged us into the war with Spain; or enable us to escape what that war entailed. No matter what we wish, the old Continental isolation is gone forever. Whithersoever we turn now, we must do it with the burden of our late acts to carry; the responsibility of our new position to assume.

When the sovereignty which Spain had exercised with the assent of all nations over vast and distant regions for three hundred years was solemnly transferred under the eye of the civilized world to the United States, our first responsibility became the restoration of order. Till that is secured, any hindrance to the effort is bad citizenship — as bad as resistance to the police; — as much worse, in fact, as its consequences may be more bloody and disastrous. “You have a wolf by the ears,” said an accomplished ex-Minister of the United States to a departing Peace Commissioner last autumn. “You cannot let go of him with either dignity or safety, and he will not be easy to tame.”

But when the task is accomplished — when the Stars and Stripes at last bring the order and peaceful security they typify, instead of wanton disorder, with all the concomitants of savage warfare over which they now wave — we shall then be confronted with the necessity of a policy for the future of these distant regions. It is a problem that calls for our soberest, most dispassionate and most patriotic thought. The colleges and the educated classes generally should make it a matter of conscience — painstakingly considered on all its sides, with reference to international law, the burdens of sovereignty, the rights and interests of native tribes, and the legitimate demands of civilization — to find first our National duty, and then our National interest, which it is also a duty for our statesmen to protect. On such a subject we have a right to look to our colleges for the help they should be so well equipped to give.

Policy for  
the New  
Possessions

From these still regions of cloistered thought may well come the white light of pure reason — not the wild, whirling words of the special pleader, or of the partisan, giving loose rein to his hasty first impressions. It would be an ill day for the colleges if crude and hot-tempered incursions into current public affairs, like a few unhappily witnessed of late, should lead even their friends to fear that they have been so long accustomed to dogmatize to boys that they have lost the faculty of reasoning with men.

When the first duty is done, when order is restored in those commercial centres and on that commercial highway, somebody must then be responsible for maintaining it — either ourselves or some Power whom we persuade to take them off our hands. Does anybody doubt what the American people in their present temper would say to the latter alternative? — the same people who, a fortnight ago, were ready to break off their Joint Commission with Great Britain and take the chances, rather than give up a few square miles of worthless land, and a harbor of which a year ago they scarcely knew the name on the remote coast of Alaska. Plainly it is idle now, in a government so purely dependent on the popular will, to scheme or hope for giving the Philippine task over to other hands as soon as order is restored. We must then be prepared with a policy for maintaining it ourselves.

Of late years men have unthinkingly assumed that new territory is, in the very nature of our Government, merely and necessarily the raw material for future States in the Union. Colonies and dependencies it is now said are essentially inconsistent with our system. But if any ever entertained the wild dream that the instrument whose preamble says it is ordained for the United States *of America* could be stretched to the China Sea, the first Tagal guns fired at friendly soldiers of the Union and the first mutilation of American dead that ensued ended the nightmare of States from Asia admitted to the American Union. For that relief, at least, we must thank the uprising of the Tagalogs. It was a Continental Union of independent sovereign States our Fathers planned. Whoever proposes to debase it with admixtures of States made up from the islands of the sea, in any archipelago, East or West, is a bad friend to the Republic. We may guide, protect, elevate them, and even teach them, some day, to stand alone; but if we ever invite them into our Senate and House to help rule us, we are the most imbecile of all the offspring of time.

Yet we must face the fact that able and conscientious men believe the United States has no constitutional power to hold territory that is not to be erected into States in the Union, or to govern people that are not to be made citizens. They are able to cite great names in support of their contention; and it would be an ill-omen for the freest and most successful constitutional government in the world if a constitutional objection thus fortified should be carelessly considered or hastily overridden.

This objection rests mainly on the assumption that the name "United States," as used in the Constitution, necessarily includes all territory the Nation owns, and on the historic fact that a large part of this territory, on acquiring sufficient population, has already been admitted as States, and has generally considered such admission to be a right. Now, Mr. Chief Justice Marshall—than whom no constitutional authority carries greater weight—certainly did declare that the question what was designated by the term "United States" in the clause of the Constitution giving power to levy duties on imposts "admitted of but one answer." It "designated the whole of the American empire, composed of States and Territories." If that be accepted as final, then the tariff must be applied in Manila precisely as in New-York, and goods from Manila must enter the New-York Custom House as freely as goods from New-Orleans. Sixty millions would disappear instantly and annually from the Treasury, and our revenue system would be revolutionized by the free admission of sugar and other tropical products from the United States of Asia and of the Caribbean Sea. On the other hand, the Philippines themselves would be fatally handicapped by a tariff wholly unnatural to their locality and circumstances. More. If that be final, the term "United States" should have the same comprehensive meaning in the clause as to citizenship. Then Aguinaldo is to-day a citizen of the United States, and may yet run for the Presidency. Still more. The Asiatics south of the China Sea are given that free admission to the country which we so strenuously deny to Asiatics from the north side of the same sea. Their goods, produced on wages of a few cents a day, come into free competition in all our home markets with the products of American labor, and the cheap laborers themselves are free to follow if ever our higher wages attract them. More yet. If that be final, the Tagalogs and other tribes of Luzon, the Visayas of Negros and Cebu, and the Mahometan Malays of Mindanao and the Sulus, having each far more than the requisite population, may demand admission next winter

into the Union as free and independent States, with representatives in Senate and House, and may plausibly claim that they can show a better title to admission than Nevada ever did, or Utah or Idaho.

Nor does the great name of Marshall stand alone in support of such conclusions. The converse theory that these territories are not necessarily included in the constitutional term "the United States" makes them our subject dependencies, and at once the figure of Jefferson himself is evoked, with all the signers of the immortal Declaration grouped about him, renewing the old war-cry that government derives its just powers from the consent of the governed. At different periods in our history eminent statesmen have made protests on grounds of that sort. Even the first bill for Mr. Jefferson's own purchase of Louisiana was denounced by Mr. Macon as "establishing a species of government unknown to the United States"; by Mr. Lucas as "establishing elementary principles never previously introduced in the government of any territory of the United States," and by Mr. Campbell as "really establishing a complete despotism." In 1823 Chancellor Kent said with reference to Columbia River settlements that "a government by Congress as absolute sovereign, over colonies, absolute dependents, was not congenial to the free and independent spirit of American institutions." In 1848 John C. Calhoun declared that "the conquest and retention of Mexico as a province would be a departure from the settled policy of the Government, in conflict with its character and genius and in the end subversive of our free institutions." In 1857 Mr. Chief Justice Taney said that "a power to rule territory without restriction as a colony or dependent province would be inconsistent with the nature of our government." And now, following warily in this line, the eminent and trusted advocate of similar opinions to-day, Mr. Senator Hoar, of Massachusetts, says: "The making of new States and providing National defence are constitutional ends, so that we may acquire and hold territory for those purposes. The governing of subject peoples is not a constitutional end, and there is therefore no constitutional warrant for acquiring and holding territory for that purpose."

An Alleged  
Constitutional  
Inability

We have now, as is believed, presented with entire fairness a summary of the varied aspects in which the constitutional objections mentioned have been urged. I would not under-rate by a hair's breadth the authority of these great names, the weight of these continuous reassertions of principle, the sanc-

tion even of the precedent and general practice through a century. And yet I venture to think that no candid and competent man can thoroughly investigate the subject, in the light of the actual provisions of the Constitution, the avowed purpose of its framers, their own practice and the practice of their successors, without being absolutely convinced that this whole fabric of opposition on constitutional grounds is as flimsy as a cobweb. This country of our love and pride is no malformed, congenital cripple of a Nation, incapable of undertaking duties that have been found within the powers of every other Nation that ever existed since governments among civilized men began. Neither by chains forged in the Constitution, nor by chains of precedent; neither by the dead hand we all revere, that of the Father of His Country, nor under the most authoritative exponents of our organic act and of our history, are we so bound that we cannot undertake any duty that devolves, or exercise any power which the emergency demands. Our Constitution has entrapped us in no *impasse*, where retreat is disgrace and advance is impossible. The duty which the hand of Providence rather than any purpose of man has laid upon us is within our constitutional powers. Let me invoke your patience for a rather minute and perhaps wearisome detail of the proof.

Every one recalls this constitutional provision: "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." That grant is absolute, and the only qualification is the one to be drawn from the general spirit of the Government the Constitution was framed to organize. Is it consistent with that spirit to hold territory permanently, or for long periods of time, without admitting it to the Union? Let the man who wrote the very clause in question answer. That man was Gouverneur Morris, of New York, and you will find his answer on the 192d page of the third volume of his writings, given only fifteen years after, in reply to a direct question as to the exact meaning of the clause: "I always thought, when we should acquire Canada and Louisiana, it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article, I went as far as circumstances would permit to establish the exclusion." This framer of the Constitution desired then, and intended definitely and permanently, to keep *Louisiana* out! And yet there are men who tell us the provision he drew would not even permit us to keep the Philippines out! To be more Papist than the Pope will cease to be a thing exciting wonder, if everyday

modern men in the consideration of practical and pressing problems are to be more narrowly constitutional than the men that wrote the Constitution!

Is it said that at any rate our practice under this clause of the Constitution has been against the view of the man that wrote it, and in favor of that quoted from Mr. Chief Justice Marshall? Does anybody seriously think, then, that though we have held New-Mexico, Arizona and Oklahoma as territories, part of it nearly a century, and all of it half a century, our representatives believed all the while they had no constitutional right to do so? Who imagines that when the third of a century during which we have already held Alaska is rounded out to a full century, that unorganized Territory will even then have any greater prospect than at present of admission as a State, or who believes our grandchildren will be violating the Constitution in keeping it out? Who imagines that under the Constitution ordained on this continent specifically "for the United States of America" we will ever permit the Kanakas, Chinese and Japanese, who make up a majority of the population in the Sandwich Islands, to set up a government of their own and claim admission as an independent and sovereign State of the American Union? Finally, let me add that conclusive proof relating not only to practice under the Constitution, but to the precise construction of the constitutional language as to the Territories by the highest authority, in the light of long previous practice, is to be found in another part of the instrument itself, deliberately added, three-quarters of a century later. Article XIII provides that "neither slavery nor involuntary servitude shall exist within the United States, *or any place subject to their jurisdiction.*" If the term "the United States" as used in the Constitution really includes the Territories as an integral part, as Mr. Chief Justice Marshall said, what, then, does the Constitution mean by the additional words, "or any place subject to their jurisdiction"? Is it not too plain for argument that the Constitution here refers to territory not a part of the United States, but subject to its jurisdiction — territory, for example, like the Sandwich Islands or the Philippines?

What, then, shall we say to the opinion of the great Chief Justice? — for after all his is not a name to be dealt with lightly. Well, first, it was a dictum, not a decision of the court. Next, in another and later case, before the same eminent jurist came a constitutional expounder as eminent, and as generally accepted — none other than Daniel Webster — who took precisely the opposite view. He was discussing the condition of certain

territory on this continent which we had recently acquired. Said Mr. Webster: "What is Florida? It is no part of the United States. How can it be? Florida is to be governed by Congress as it thinks proper. Congress might have done anything, might have refused a trial by jury, and refused a Legislature." Well, after this flat contradiction of the court's former dictum what happened? Simply that Mr. Webster won his case, and that the Chief Justice made not the slightest reference to his own previous and directly conflicting opinion! Need we give it more attention now than Marshall did then?

Mr. Webster maintained the same position long afterward in the Senate of the United States, in opposition to Mr. John C. Calhoun, and his view has been continuously sustained since by the courts and by Congressional action. In the debate with Mr. Calhoun, in February, 1849, Mr. Webster said: "What is the Constitution of the United States? Is not its very first principle that all within its influence and comprehension shall be represented in the Legislature which it establishes, with not only a right of debate and a right to vote in both houses of Congress, but a right to partake in the choice of President and Vice-President? . . . The President of the United States shall govern this territory as he sees fit till Congress makes further provision. . . . We have never had a territory governed as the United States is governed. . . . I do not say that while we sit here to make laws for these territories, we are not bound by every one of those great principles which are intended as general securities for public liberty. But they do not exist in territories till introduced by the authority of Congress. . . . Our history is uniform in its course. It began with the acquisition of Louisiana. It went on after Florida became a part of the Union. In all cases, under all circumstances, by every proceeding of Congress on the subject and by all judicature on the subject, it has been held that territories belonging to the United States were to be governed by a constitution of their own, . . . and in approving that constitution the legislation of Congress was not necessarily confined to those principles that bind it when it is exercised in passing laws for the United States itself."

Mr. Calhoun, in the course of this debate, asked Mr. Webster for judicial opinion sustaining these views, and Mr. Webster said that "the same thing has been decided by the United States courts over and over again for the last thirty years." I may add that it has been so held over and over again during the subsequent fifty. Mr. Chief Justice Waite, giving the opinion of the Supreme Court of the United States (in National

Bank agt. Co. of Yankton, 101 U. S., 129-132), said: "It is certainly now too late to doubt the power of Congress to govern the Territories. Congress is supreme, and for all the purposes of this department, has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution."

Mr. Justice Stanley Matthews, of the United States Supreme Court, stated the same view with even greater clearness in one of the Utah polygamy cases (Murphy agt. Ramsey, 114 U. S., 44, 45): "It rests with Congress to say whether in a given case any of the people resident in the Territory shall participate in the election of its officers or the making of its laws. It may take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it, as it may deem expedient. . . . Their political rights are franchises which they hold as privileges, in the legislative discretion of the United States."

The very latest judicial utterance on the subject is in harmony with all the rest. Mr. Justice Morrow, of the United States Court of Appeals for the Ninth Circuit, in February, 1898, held (57 U. S. Appeals, 6): "The now well-established doctrine [is] that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution nor subject to its complex distribution of the powers of government. . . . The United States, having rightfully acquired the Territories, and being the only Government which can impose laws upon them, has the entire dominion and sovereignty, National and municipal, Federal and State."

**More Recent  
Constitutional  
Objections**

In the light of such expositions of our constitutional power, and our uniform National practice, it is difficult to deal patiently with the remaining objections to the acquisition of territory, purporting to be based on constitutional grounds. One is that to govern the Philippines without their consent or against the opposition of Aguinaldo is to violate the principle, only formulated to be sure, in the Declaration of Independence, but, as they say, underlying the whole Constitution, that government derives its just powers from the consent of the governed. In the Sulu group piracy prevailed for centuries. How could a government that put it down rest on the consent of Sulu? Would it be without just powers because the pirates did not vote in its favor? In other parts of the archipelago what has been stigmatized as a species of slavery prevails. Would a government that stopped



that be without just powers till the slaveholders had conferred them at a popular election? In another part, head-hunting is, at certain seasons of the year, a recognized tribal custom. Would a government that interfered with that practice be open to denunciation as an usurpation, without just powers, and flagrantly violating the Constitution of the United States, unless it waited at the polls for the consent of the head-hunters? The truth is, all intelligent men know, and few even in America, except obvious demagogues, hesitate to admit, that there are cases where a good government does not and ought not to rest on the consent of the governed. If men will not govern themselves with respect for civilization and its agencies, then when they get in the way they must be governed — always have been, whenever the world was not retrograding, and always will be. The notion that such government is a revival of slavery, and that the United States by doing its share of such work in behalf of civilization would therefore become infamous, though put forward with apparent gravity, in some eminently respectable quarters, is too fantastic for serious consideration.

Mr. Jefferson may be supposed to have known the meaning of the words he wrote. Instead of vindicating a righteous rebellion in the Declaration, he came, after a time, to exercising a righteous government under the Constitution. Did he himself then carry his own words to such extremes as these professed disciples now demand? Was he guilty of subverting the principles of the Government in buying some hundreds of thousands of Spaniards, Frenchmen, Creoles and Indians, "like sheep in the shambles," as the critics untruthfully say we did in the Philippines? We bought nobody there. We held the Philippines first by the same right by which we held our own original thirteen States — the oldest and firmest of all rights — the right by which nearly every great nation holds the bulk of its territory — the right of conquest. We held them again as a rightful indemnity, and a low one, for a war in which the vanquished could give no other. We bought nothing; and the twenty millions that accompanied the transfer just balanced the Philippine debt. That payment was a recognition of the sound rule of international law, obeyed now in the practice of all civilized nations, that where debts have been incurred by a mother country legitimately for the benefit of a colony, they follow the colony when its sovereignty is transferred. But Jefferson did, if you choose to accept the hypercritical interpretation of these latter-day Jeffersonians — Jefferson did buy the Louisianians — even "like sheep in the shambles," if you care so to describe it;

and did proceed to govern them without the consent of the governed. Monroe bought the Floridians without their consent. Polk conquered the Californians, and Pierce bought the New-Mexicans. Seward bought the Russians and Alaskans, and we have governed them ever since without their consent. Is it easy, in the face of such facts, to preserve your respect for an objection so obviously captious as that based on the phrase from the Declaration of Independence?

Nor is the turn Senator Hoar gives the constitutional objection much more weighty. In that he wishes to take account of motives, and pry into the purpose of those concerned in any acquisition of territory, before the tribunals can decide whether it is constitutional or not. If acquired either for the National defence or to be made a State the act is constitutional; otherwise not. If, then, Jefferson intended to make a State out of Idaho, his act in acquiring that part of the Louisiana Purchase was all right. Otherwise he violated the Constitution he had helped to make and sworn to uphold. And yet, poor man, he hardly knew of the existence of that part of the territory, and certainly never dreamed that it would ever become a State, any more than Daniel Webster dreamed, to quote his own language in the Senate, that "California would ever be worth a dollar." Is Gouverneur Morris to be arraigned as false to the Constitution he helped to frame because he wanted to acquire Louisiana and Canada, and keep them both out of the Union? Did Mr. Seward betray the Constitution and violate his oath in buying Alaska without the purpose of making it a State? It seems, let it be said with all respect, that we have reached the *reductio ad absurdum*, and that the constitutional argument in any of its phases need not be further pursued.

The Little  
Americans

If I have wearied you with these detailed proofs of a doctrine which Mr. Justice Morrow rightly says is now well established, and these replies to its assailants, the apology must be found in the persistence with which the utter lack of constitutional power to deal with our new possessions has been vociferously urged from the outset by the large class of our people whom I venture to designate as the Little Americans — using that term not in the least in disparagement, but solely as distinctive and convenient. From the beginning of the century, at every epoch in our history, we have had these Little Americans. They opposed Jefferson as to getting Louisiana. They opposed Monroe as to Florida. They were vehement against Texas, against California, against organizing Oregon and Washington, against the

Gadsden Purchase, against Alaska and against the Sandwich Islands. At nearly every stage in that long story of expansion the Little Americans have either denied the Constitutional authority to acquire and govern, or denounced the acquisitions as worthless and dangerous. At one stage, indeed, they went further. When State after State was passing ordinances of secession, they raised the cry, erroneously attributed to my distinguished predecessor and friend, Horace Greeley, but really uttered by Winfield Scott, "Wayward Sisters, depart in peace!" Happily this form, too, of "Little Americanism" failed. We are all glad now — my distinguished classmate here,\* who wore the gray and invaded Ohio with Morgan, as glad as myself — we all rejoice that these doctrines were then opposed and overborne. It was seen then, and I venture to think it may be seen now, that it is a fundamental principle with the American people, and a duty imposed upon all who represent them, to maintain the Continental Union of American Independent States in all the purity of the fathers' conception; to hold what belongs to it, and get what it is entitled to; and, finally, that wherever its flag has been rightfully advanced, there it is to be kept. If that be Imperialism, make the most of it!

It was no vulgar lust of power that inspired the statesmen and soldiers of the Republic when they resisted the halting counsel of the Little Americans in the past. Nor is it now. Far other is the spirit we invoke —

The Plain  
Path of Duty

Stern daughter of the Voice of God,  
O Duty! If that name thou love —

in that name we beg for a study of what the new situation that is upon us, the new world opening around us now demands at our hands.

The people of the United States will not refuse an appeal in that name. They never have. They had been so occupied, since the Civil War, first in repairing its ravages, and then in occupying and possessing their own Continent, they had been so little accustomed, in this generation or the last, to even the thought of foreign war, that one readily understands why at the outset they hardly realized how absolute is the duty of an honorable conqueror to accept and discharge the responsibilities of his conquest. But this is no longer a child-nation, irresponsible in its non-age and incapable of comprehending or assuming the responsibility of its acts. A child that breaks a pane of glass

\* The Hon. Albert S. Berry, M. C. from the Covington, Ky., District.

or sets fire to a house may indeed escape. Are we to plead the baby act and claim that we can flounce around the world, breaking international china and burning property, and yet repudiate the bill, because we have not come of age? Who dare say that a self-respecting Power could have sailed away from Manila and repudiated the responsibilities of its victorious belligerency? After going into a war for Humanity, were we so craven that we should seek freedom from further trouble at the expense of Civilization?

If we did not want those responsibilities we ought not to have gone to war, and I for one would have been content. But, having chosen to go to war, and having been speedily and overwhelmingly successful, we should be ashamed even to think of running away from what inexorably followed. Mark what the successive steps were, and how link by link the chain that binds us now was forged.

The moment war was foreseen, the fleet we usually have in Chinese waters became indispensable, not merely as before to protect our trade and our missionaries in China, but to checkmate the Spanish fleet, which otherwise held San Francisco and the whole Pacific coast at its mercy. When war was declared our fleet was necessarily ordered out of neutral ports. Then it had to go to Manila or go home. If it went home, it left the whole Pacific coast unguarded, save at the particular point it touched; and we should have been at once in a fever of apprehension, chartering hastily another fleet of the fastest ocean-going steamers we could find in the world, to patrol the Pacific from San Diego to Sitka, as we did have to patrol the Atlantic from Key West to Bar Harbor. Palpably this was to go the longest way around to do a task that had to be done in any event; as well as to demoralize our forces at the opening of the war with a manœuvre in which our Navy has never been expert, that of avoiding a contest and sailing away from the enemy! The alternative was properly taken. Dewey went to Manila and sunk the Spanish fleet. We thus broke down Spanish means for controlling the Philippines, and were left with the Spanish responsibility for maintaining order there — responsibility to all the world, German, English, Japanese, Russian and the rest, in one of the great centres and highways of the world's commerce.

But why not turn over that commercial centre and the island on which it is situated to the Tagalogs? To be sure! Under three hundred years of Spanish rule barbarism on Luzon had so far disappeared that this commercial metropolis, as large as San Francisco or Cincinnati, had sprung up, and come to be

thronged by traders and travellers of all nations. Now it is calmly suggested that we might have turned it over to one semi-civilized tribe, absolutely without experience in governing even itself, much less a great community of foreigners — probably in a minority on the island, and at war with its other inhabitants — a tribe which has given the measure of its fitness for being charged with the rights of foreigners and the care of a commercial metropolis by the violation of flags of truce, treachery to the living and mutilation of the dead which have marked its recent wanton rising against the Power that was trying to help it!

If running away from troublesome responsibility and duty is our rôle, why did we not long ago take the opportunity, in our early feebleness, to turn over Tallahassee and St. Augustine to the Seminoles, instead of sending Andrew Jackson to protect the settlements and subdue the savages? Why at the first Apache outbreak after the Gadsden Purchase did we not hasten to turn over New-Mexico and Arizona to *their* inhabitants? Or why, in years within the memory of most of you, when the Sioux and Chippewas rose on our Northwestern frontier, did we not invite them to retain possession of St. Cloud, and even come down, if they liked, to St. Paul and Minneapolis?

Unless I am mistaken in regarding all these suggestions as too unworthy to be entertained by self-respecting citizens of a powerful and self-respecting Nation, we have now reached two conclusions that ought to clear the air and simplify the problem that remains. First, we have ample constitutional power to acquire and govern new territory absolutely at will, according to our sense of right and duty — whether as dependencies, as colonies or as a protectorate. Second, as the legitimate and necessary consequence of our own previous acts, it has become our National and international duty to do it.

How shall we set about it? What shall be the policy with which, when order has been inexorably restored, we begin our dealings with the new wards of the Nation? Certainly we must mark our disapproval of the treachery and barbarities of the present contest. Clearly the oppression of other tribes by the Tagalogs must be ended; or the oppression of any tribe by any other within the sphere of our active control. Wars between the tribes must be discouraged and prevented. We must seek to suppress crimes of violence and private vengeance, secure individual liberty, protect individual property and promote the study of the arts of peace. Above all, we must give

The Policy  
for our  
Dependencies

and enforce justice; and for the rest, as far as possible, leave them alone. By all means let us avoid a fussy meddling with their customs, manners, prejudices and beliefs. Give them order and justice and trust to these to win them in other regards to our ways. All this points directly to utilizing existing agencies as much as possible, developing native initiative and control in local matters as fast and as far as we can, and ultimately giving them the greatest degree of self-government for which they prove themselves fitted.

Under any conditions that exist now or have existed for three hundred years, a homogeneous native government over the whole archipelago is obviously impossible. Its relations to the outside world must necessarily be assumed by us. We must preserve order in Philippine waters, regulate the harbors, fix and collect the duties, apportion the revenue and supervise the expenditure. We must enforce sanitary measures. We must retain such a control of the superior courts as shall make justice certainly attainable, and such control of the police as shall insure its enforcement. But in all this, after the absolute authority has been established, the further the natives can themselves be used to carry out details the better.

Such a system might not be unwise even for a colony to which we had reason to expect a considerable emigration of our own people. If experience of a kindred nation in dealing with similar problems counts for anything, it is certainly wise for a distant dependency, always to be populated mainly, save in the great cities, by native races, and little likely ever to be quite able to stand alone, while, nevertheless, we wish to help it just as much as possible to that end.

The Duty  
of Public  
Servants

Certainly this is no bed of flowery ease in the dreamy Orient to which we are led. No doubt these first glimpses of the task that lies before us, as well as the warfare with distant tribes into which we have been unexpectedly plunged, will provoke for the time a certain discontent with our new possessions. But on a far-reaching question of National policy the wise public man is not so greatly disturbed by what people say in momentary discouragement under the first temporary cheek. That which really concerns him is what people at a later day, or even in a later generation, might say of men trusted with great duties for their country, who proved unequal to their opportunities, and through some short-sighted timidity of the moment lost the chance of centuries.

It is quite true, as was recently reported in what seemed an

authoritative way from Washington, that the Peace Commissioners were not entirely of one mind at the outset, and equally true that the final conclusion at Washington was apparently reached on the Commission's recommendation from Paris. As the cold fit, in the language of one of our censors, has followed the hot fit in the popular temper, I readily take the time which hostile critics consider unfavorable, for accepting my own share of responsibility, and for avowing for myself that I declared my belief in the duty and policy of holding the whole Philippine Archipelago in the very first conference of the Commissioners in the President's room at the White House, in advance of any instructions of any sort. If vindication for it be needed, I confidently await the future.

What is the duty of a public servant as to profiting by opportunities to secure for his country what all the rest of the world considers material advantages? Even if he could persuade himself that rejecting them is morally and internationally admissible, is he at liberty to commit his country irrevocably to their rejection, because they do not wholly please his fancy? At a former negotiation of our own in Paris, the great desire of the United States representative, as well as of his Government, had been mainly to secure the settled or partly settled country adjoining us on the south, stretching from the Floridas to the city of New-Orleans. The possession of the vast unsettled and unknown Louisiana Territory, west of the Mississippi, was neither sought nor thought of. Suddenly, on an eventful morning in April, 1803, Talleyrand astonished Livingston by offering, on behalf of Napoleon, to sell to the United States, not the Floridas at all, but merely Louisiana, "a raw little semi-tropical frontier town and an unexplored wilderness." Suppose Livingston had rejected the offer? Or suppose Gadsden had not exceeded his instructions in Mexico and boldly grasped the opportunity that offered to rectify and make secure our Southwestern frontier?

The difficulties which at present discourage us are largely of our own creation. It is not for any of us to think of attempting to apportion the blame. The only thing we are sure of is that it was for no lack of authority that we hesitated and drifted till the Tagalogs were convinced we were afraid of them, and could be driven out before reinforcements arrived. That was the very thing our officers had warned us against—the least sign of hesitation or uncertainty—the very danger every European with knowledge of the situation had dinned in our ears. Everybody declared that difficulties were sure to grow on our hands in geometrical proportion to our delays; and it was perfectly known

to the respective branches of our Government, primarily concerned, that while the delay went on it was in neglect of a duty we had voluntarily assumed.

For the American Commissioners, with due authority, distinctly offered to assume responsibility, pending the ratification of the treaty, for the protection of life and property and the preservation of order throughout the whole archipelago. The Spanish Commissioners, after consultation with their Government, refused this, but agreed that each Power should be charged, pending the ratification, with the maintenance of order in the places where it was established. The American assent to that left absolutely no question as to the diminished but still grave responsibility thus devolved. That responsibility was avoided from the hour the treaty was signed till the hour when the Tagalog chieftain, at the head of an army he had been deliberately gathering and organizing, took things in his own hand and made the attack he had so long threatened. Disorder, forced loans, impressment, confiscation, seizure of waterworks, contemptuous violations of our guard lines, and even the practical siege of the city of Manila had meantime been going on within gunshot of troops held there inactive by the Nation which had volunteered responsibility for order throughout the archipelago, and had been distinctly left with responsibility for order in the island on which it was established. If the bitterest enemy of the United States had sought to bring upon it in that quarter the greatest trouble in the shortest time, he could have devised for that end no policy more successful than the one we actually pursued. There may have been controlling reasons for it. An opposite course might perhaps have cost more elsewhere than it saved in Luzon. On that point the public cannot now form even an opinion. But as to the effect in Luzon there is no doubt; and because of it we have the right to ask a delay in judgment about results there until the present evil can be undone.

**The Carnival  
of Captious  
Objection**

Meantime, in accordance with a well-known and probably unchangeable law of human nature, this is the carnival and very heyday of the objectors. The air is filled with their discouragement.

Some exclaim that Americans are incapable of colonizing or of managing colonies; that there is something in our National character or institutions that wholly unfits us for the work. Yet the most successful colonies in the whole world were the thirteen original colonies on our Atlantic coast; and the most



successful colonists were our own grandfathers! Have the grandsons so degenerated that they are incapable of colonizing at all, or of managing colonies? Who says so? Is it any one with the glorious history of this continental colonization bred in his bone and leaping in his blood? Or is it some refugee from a foreign country he was discontented with, who now finds pleasure in disparaging the capacity of the new country he came to, while he has neither caught its spirit nor grasped the meaning of its history?

Some bewail the alleged fact that our system gives us no fitness for managing colonies or dependencies. Has our system been found weaker, then, than other forms of government, less adaptable to emergencies, and with people less fit to cope with them? Is the difficulty inherent, or is it possible that the emergency may show, as emergencies have shown before, that whatever task intelligence, energy and courage can surmount the American people and their Government can rise to?

It is said the conditions in our new possessions are wholly different from any we have previously encountered. This is true; and there is little doubt the new circumstances will bring great modifications in methods. That is an excellent reason, among others, for some doubt at the outset as to whether we know all about it, but not for despairing of our capacity to learn. It might be remembered that we have encountered some varieties of conditions already. The work in Florida was different from that at Plymouth Rock. Louisiana and Texas showed again new sets of conditions; California others; Puget Sound and Alaska still others, and we did not always have unbroken success and plain sailing from the outset in any of them.

It is said we cannot colonize the tropics, because our people cannot labor there. Perhaps not, especially if they refuse to obey the prudent precautions which centuries of experience have enjoined upon others. But what, then, are we going to do with Porto Rico? How soon are our people going to flee from Arizona? And why is life impossible to Americans in Manila and Cebu and Iloilo, but attractive to the throngs of Europeans who have built up those cities? Can we mine all over the world, from South Africa to the Klondike, but not in Palawan? Can we grow tobacco in Cuba, but not in Cebu; or rice in Louisiana, but not in Luzon?

An alarm is raised that the laboring classes are endangered by competition with cheap tropical labor or its products. How? The interpretation of the Constitution which would permit that is the interpretation which has been repudiated

in an unbroken line of decisions for over three-quarters of a century. Only one possibility of danger to American labor exists in our new possessions—the lunacy or worse of the dreamers who want to prepare for the admission of some of them as States in the American Union. Till then we can make any law we like to prevent the immigration of their laborers, and any tariff we like to regulate the admission of their products.

It is said we are pursuing a fine method for restoring order, in prolonging the war we began for humanity by forcing liberty and justice on an unwilling people at the point of the bayonet. The sneer is cheap. How else have these blessings been generally diffused? How often in the history of the world has barbarism been replaced by civilization without bloodshed? How were our own liberty and justice established and diffused on this continent? Would the process have been less bloody if a part of our own people had noisily taken the side of the English, the Mexican or the savage, and protested against “extreme measures”?

Some say a war to extend freedom in Cuba or elsewhere is right, and therefore our duty; but the war in the Philippines now is purely selfish, and therefore all wrong. The statement is inaccurate; it is a war we are in duty bound to wage at any rate till order is restored—but let that pass. Suppose it to be merely a war in defence of our own just rights and interests. Since when did such a war become wrong? Is our National motto to be “Quixotic on the one hand; Chinese on the other”?

How much better it would have been, say others, to mind our own business. No doubt; but if we were to begin crying over spilt milk in that way, the place to begin was where the milk was spilled—in the Congress that resolved upon war with Spain. Since that Congressional action we have been minding what it made our own business quite diligently, and an essential part of our business now is the responsibility for our own past acts, whether in Havana or Manila.

Some say we began the war for humanity, and are therefore disgraced by coming out of it with increased territory. Then a penalty must always be imposed upon a victorious nation for presuming to do a good act. The only nation to be exempt from such a penalty upon success is to be the nation that was in the wrong! It is to have a premium; for it is thus relieved from the penalty which modern practice in the interest of civilization requires, the payment of an indemnity for the cost of an unjust war. Furthermore, the representatives of the nation

that does a good act are thus bound to reject any opportunity for lightening the national load it entails. They must leave the full burden upon their country, to be dealt with in due time by the individual taxpayer!

Again we have superfine discussions of what the United States "stands for." It does not stand, we are told, for foreign conquest, or for colonies or dependencies, or other extensions of its power and influence. It stands for the development of the individual man. There is a germ of a great truth in this, but the development of the truth is lost sight of. Individual initiative is a good thing, and our institutions do develop it—and its consequences! There is a species of individualism, too, about a bulldog. When he takes hold he holds on. It may as well be noticed by the objectors that that is a characteristic much appreciated by the American people. They, too, hold on. They remember besides a pregnant phrase of their fathers, who "ordained this Constitution," among other things, "to promote the general welfare." That is a thing for which "this Government stands" also; and woe to the public servant who rejects brilliant opportunities to promote it—on the Pacific Ocean as well as the Atlantic—by commerce as well as by agriculture or manufactures.

It is said the Philippines are worthless—have in fact already cost us more than the value of their entire trade for many years to come. So much the more, then, are we bound to do our duty by them. But we have also heard in turn, and from the same quarters, that every one of our previous acquisitions was worthless.

Again it is said our continent is more than enough for all our needs; and our extensions should stop at the Pacific. What is this but proposing such a policy of self-sufficient isolation as we are accustomed to reprobate in China—planning to develop only on the soil on which we stand, and expecting the rest of the world to protect our trade if we have any? Can a nation with safety set Chinese limits to its growth? When a tree stops growing our foresters tell us it is ripe for the axe. When a man stops in his physical and intellectual growth he begins to decay. When a business stops growing it is in danger of decline. When a nation stops growing it has passed the meridian of its course, and its shadows fall eastward.

Is China to be our model, or Great Britain? Or, better still, are we to follow the instincts of our own people? The policy of isolating ourselves is a policy for the refusal of both duties and opportunities—duties to foreign nations and to civilization

which cannot be respectably evaded — opportunities for the development of our power on the Pacific in the twentieth century which it would be craven to abandon. There has been a curious “about-face,” an absolute reversal of attitude toward England, on the part of our Little Americans, especially at the East and among the more educated classes. But yesterday nearly all of them were pointing to England as our example. There young men of education and position felt it a duty to go into politics. There they had built up a model civil service. There their cities were better governed, their streets cleaner, their mails more promptly delivered. There the responsibilities of their colonial system had enforced the purification of domestic politics, the relentless punishment of corrupt practices, and the abolition of bribery in elections, either by money or by office. There they had foreign trade, and a commercial marine, and a trained and efficient foreign service, and to be an English citizen was to have a safeguard the whole world round. Our young men were commended to their example; our legislators were exhorted to study their practice and its results. Suddenly these same teachers turn around. They warn us against the infection of England’s example. They tell us her colonial system is a failure; that she would be stronger without her colonies than with them; that she is eaten up with “militarism”; that to keep Cuba or the Philippines is what a selfish, conquering, land-grabbing, aristocratic Government like England would do, and that her policy and methods are utterly incompatible with our institutions. When a court thus reverses itself without obvious reason (except a temporary partisan purpose), our people are apt to put their trust in other tribunals.

**The Future**      “I had thought,” said Wendell Phillips, in his noted apology for standing for the first time in his anti-slavery life under the flag of his country, and welcoming the tread of Massachusetts men, marshalled for war — “I had thought Massachusetts wholly choked with cotton dust and cankered with gold.” If Little Americans have thought so of their country in these stirring days, and have fancied that initial reverses would induce it to abandon its duty, its rights and its great, permanent interests, they will live to see their mistake. They will find it giving a deaf ear to these unworthy complaints of temporary trouble or present loss; and turning gladly from all this incoherent and resultless clamor to the new world opening around us. Already it draws us out of ourselves. The provincial isolation is gone; and provincial habits of thought will go. There is a larger interest in what

other lands have to show and teach; a larger confidence in our own; a higher resolve that it shall do its whole duty to mankind, moral as well as material, international as well as national, in such fashion as becomes Time's latest offspring and its greatest. We are grown more nearly citizens of the world.

This new knowledge, these new duties and interests must have two effects—they must extend our power, influence and trade, and they must elevate the public service. Every returning soldier or traveller tells the same story—that the very name American has taken a new significance throughout the Orient. The shrewd Oriental no longer regards us as a second or third class Power. He has just seen the only signs he recognizes of a nation that knows its rights and dare maintain them—a nation that has come to stay, with an empire of its own in the China Sea, and a Navy which, from what he has seen, he believes will be able to defend it against the world. He straightway concludes, after the Oriental fashion, that it is a nation whose citizens must henceforth be secure in all their rights, whose missionaries must be endured with patience and even protected, and whose friendship must be sedulously cultivated. The National prestige is enormously increased, and trade follows prestige—especially in the Farther East. Not within a century, not during our whole history, has such a field opened for our reaping. Planted directly in front of the Chinese colossus, on a great territory of our own, we have the first and best chance to profit by his awakening. Commanding both sides of the Pacific, and the available coal supplies on each, we command the Ocean that, according to the old prediction, is to bear the bulk of the world's commerce in the twentieth century. Our glorious land between the Sierras and the sea may then become as busy a hive as New-England itself, and the whole continent must take fresh life from the generous blood of this natural and necessary commerce between people of different climates and zones, who gladly buy from each other what they do not produce themselves.

But these developments of power and trade are the least of the advantages we may hopefully expect. The faults in American character and life which the Little Americans tell us prove the people unfit for these duties are the very faults that will be cured by them. The recklessness and heedless self-sufficiency of youth must disappear. Great responsibilities, suddenly devolved, must sober and elevate now, as they have always done in natures not originally bad, throughout the whole history of the world.

The new interests abroad must compel an improved foreign

service. It has heretofore been worse than we ever knew, and also better. On great occasions and in great fields our diplomatic record ranks with the best in the world. No nation stands higher in those new contributions to international law which form the highwater mark of civilization from one generation to another. At the same time, in fields less under the public eye, our foreign service has been haphazard at the best and often bad beyond belief — ludicrous and humiliating. The harm thus wrought to our National good name and the positive injury to our trade have been more than we realized. We cannot escape realizing them now, and when the American people wake up to a wrong they are apt to right it.

More important still should be the improvement in the general public service at home and in our new possessions. New duties must bring new methods. Ward politics were banished from India and Egypt, as the price of successful administration, and they must be excluded from Porto Rico and Luzon. The practical common sense of the American people will soon see that any other course is disastrous. Gigantic business interests must come to reinforce the theorists in favor of a reform that shall really elevate and purify the Civil Service.

Hand in hand with these benefits to ourselves, which it is the duty of public servants to secure, go benefits to our new wards and benefits to mankind. There, then, is what the United States is to “stand for” in all the resplendent future:—the rights and interests of its own Government; the general welfare of its own people; the extension of ordered liberty in the dark places of the earth; the spread of civilization and religion, and a consequent increase in the sum of human happiness in the world.



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